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Chapter No. 388
18/SS26/R761
aj / hlc

SENATE BILL NO. 2570

Originated in Senate

[Signature]

Secretary

SENATE BILL NO. 2570

AN ACT TO PROHIBIT LOCAL GOVERNMENTS FROM ADOPTING OR ENFORCING AN ORDINANCE THAT REGULATES THE USE, DISPOSITION OR SALE OF, OR PROHIBITS, RESTRICTS OR IMPOSES ANY FEE, CHARGE OR TAX ON, CERTAIN AUXILIARY CONTAINERS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. As used in this act:

(a) "Auxiliary container" means a bag, cup, bottle or other packaging, whether reusable or single-use, that meets both of the following requirements:

(i) Is made of cloth, paper, plastic, cardboard, corrugated material, aluminum, glass, postconsumer recycled material, or similar material or substrates, including coated, laminated or multilayer substrates; and

(ii) Is designed for transporting, consuming or protecting merchandise, food or beverages from or at a food service, including manufacturing, distribution or further processing, retail facility.

(b) "Local unit of government" means a county, municipality, local taxing entity or any local political subdivision thereof.

SECTION 2. Subject to Section 3 of this act, a local unit of government shall not adopt or enforce an ordinance that does any of the following:

(a) Regulates the use, disposition or sale of auxiliary containers.

(b) Prohibits or restricts auxiliary containers.

(c) Imposes a fee, charge or tax on auxiliary containers, or additional sales tax to consumers.

SECTION 3. (1) Section 2 of this act shall not be construed to prohibit or restrict any of the following:

(a) A curbside recycling program.

(b) A designated residential or commercial recycling location.

(c) A commercial recycling program.

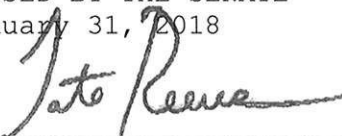
(2) Section 2 of this act does not apply to any of the following;

(a) An ordinance that prohibits littering as described in Sections 97-15-29, 97-15-30 and 97-15-31.

(b) The use of auxiliary containers on property owned by a local unit of government.

SECTION 4. This act shall take effect and be in force from and after July 1, 2018.

PASSED BY THE SENATE
January 31, 2018



PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 7, 2018



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR

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